



Honorable Linda B. Riegle
United States Bankruptcy Judge



Entered on Docket
March 06, 2012

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Stipulated Order Approving Stipulation re
Proofs of Claim Filed by Norman Kiven In
The Cornman Toltec Loan**

The Stipulation re Proofs of Claim Filed by Norman Kiven in the Cornman Toltec Loan (the "Stipulation") DE 9737 to settle the portion of Proof of Claim No. 10725-01297 and 10725-01478 filed by Norman Kiven ("Kiven") relating to an investment in the Cornman Toltec loan came before the Court for consideration. No notice being necessary and good cause appearing,

IT IS ORDERED:

- Approving the Stipulation;

- 1 • Amending the Order Sustaining Second Omnibus Objection Of USACM Trust
2 To Proof of Claim Based In Part Upon Investment in The Cornman Toltec Loan
3 as follows: The amount of Proof of Claim 10725-01297 related to an
4 investment in the Cornman Toltec loan is \$50,000, and is 20% allowed
5 (\$10,000) and 80% disallowed (\$40,000);
- 6 • Amending the Order Sustaining Second Omnibus Objection Of USACM Trust
7 To Proof of Claim Based In Part Upon Investment in The Cornman Toltec Loan
8 as follows: The amount of Proof of Claim 10725-01478 related to an
9 investment in the Cornman Toltec loan is -0-;
- 10 • Based upon the portion of Proof of Claim No. 10725-01297 allowed as a non-
11 priority unsecured claim (\$10,000.00), the Trust will make an immediate 4.92%
12 distribution (\$492.00) to Kiven as the *pro rata* share of the funds reserved by the
13 Trust from the initial creditor distribution. All other funds reserved for the
14 Kiven Claim related to Cornman Toltec loan will be released from the Disputed
15 Claims Reserve and made available to the Trust for whatever purpose is
16 appropriate in the administration of the Trust;
- 17 • Kiven will share in future distributions pro rata based upon the amount of the
18 allowed claim as to the Cornman Toltec loan; and
- 19 • This order will supersede any preceeding orders from this Court that could be
20 considered to clinflit with it.

21
22 **AGREED, AND APPROVED AS**
23 **TO FORM AND CONTENT:**

24 /s/ Leland H. Chait
25 Leland H. Chait
26 Sugar & Felsenthal LLP
30 N. LaSalle St, Suite 3000
Chicago, IL 60602

1 PREPARED AND RESPECTFULLY SUBMITTED BY:

2 **LEWIS AND ROCA LLP**

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4 By /s/ John Hinderaker (AZ 018024)

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11 *Attorneys for USACM Liquidating Trust*

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